

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

VANESSA S. JENRICH,
as guardian of the estate of A.R.J., a minor,

Plaintiff,

Case No. 22-cv-650-pp

v.

METROPOLITAN LIFE INSURANCE COMPANY,

Defendant.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANT'S MOTION TO
DISMISS (DKT. NO. 6)**

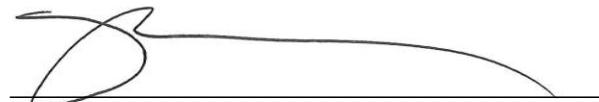
On August 22, 2022, the defendant filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. Dkt. No. 6. The defendant argues that the plaintiff's minor child, A.R.J., is not a "recognized natural child" under the Federal Employees' Group Life Insurance Act [FEGLIA] because A.R.J. "fails to satisfy any of [the] five regulatory alternatives for a 'recognized natural child' in 5 C.F.R. §870.101(1), dkt. no. 7 at 15-16, and that evidence presented after the death of the insured "failed to establish that A.R.J. satisfied FEGLIA's definition of 'recognized natural child,'" id. at 17. The defendant says that the plaintiff fails to state a legally cognizable claim and that the complaint should be dismissed with prejudice. Id. at 30.

Under Civil Local Rule 7(b), if the plaintiff wishes to oppose the motion she must do so within twenty-one days—that is by September 12, 2022. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by September 12, 2022 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 23rd day of August, 2022.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge